

Serial No. 10/518,524
Art Unit 3611

RECEIVED
CENTRAL FAX CENTER

JUL 09 2007

REMARKS

Claims 1-21 were presented for examination in the present application. The instant amendment cancels claims 6, 19, and 21 without prejudice. Thus, claims 1-5, 7-18, and 20 are presented for consideration upon entry of the instant amendment. Claims 1, 7, and 18 are independent.

Applicant submitted a First Information Disclosure Statement (e.g., the First IDS) in the instant application at the time of filing, as well as a Second IDS on May 25, 2005. A copy of the Second IDS, as considered by the Examiner, was present in the Office Action. However, a copy of the First IDS, as considered by the Examiner, was not present in the Office Action. Applicant therefore respectfully requests that a copy of the First IDS, as reviewed and initialed by the Examiner, be returned to the Applicant with the next communication.

Claims 3-4, 8, and 11 have been amended to correct obvious errors. It is submitted that these amendments merely make explicit what had been implicit in the claims.

The specification has been amended in the manner suggested by the Examiner. In addition, the specification has been amended to remove the reference to the claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections to the specification.

Claims 18-20 were rejected under 35 U.S.C. §112, second paragraph. Claim 18 has been amended to remove the elements of the frame. Claim 21 has been amended to conform to the amendments made to claim 18. Reconsideration and withdrawal of the rejection under 112 are respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §102 over U.S. Patent No. 3,613,279 to Belfor (Belfor). Independent claim 1 has been amended to recite elements of claim 6,

Serial No. 10/518,524
Art Unit 3611

which has been cancelled. Applicant submits that this amendment renders the rejection over Belfor moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 1 and 7, as well as dependent claims 2, 5-6, 8-10, and 12-17 were rejected under 35 U.S.C. §102 over U.S. Patent No. 3,830,278 to Packer. Dependent claim 11 was rejected under 35 U.S.C. §103 over Packer in view of U.S. Patent No. 6,145,567 to Henley (Henley).

Independent claim 1 now recites, in part, that the first fastening elements are configured to form "a releasable connection with second fastening elements provided on a picture adapted to be stretched onto the frame (emphasis added)". Similarly, independent claim 7 recites, in part, first fastening elements for being "releasably connected with second fastening elements provided on a picture adapted to be stretched onto the frame (emphasis added)".

Applicant respectfully submits that Packer alone or in combination with Henley fails to disclose the claimed first fastening elements that are configured to form "a releasable connection" as in claim 1 or that are for "being releasably connected" as in claim 7.

Packer discloses fasteners 52 such as staples, nails, or tacks that are driven into strips 29, 30. However, Packer does not disclose or suggest the first fastening elements that are releasable as recited in claims 1 and 7. In fact, the teaching of Packer, which discloses the need for nail-type fasteners "so as to provide the rigidity and strength required to construct a strong stretcher", teaches away from the use of the claimed first fastening elements.

Henley is asserted by the Office Action as disclosing that VELCRO is an equivalent fastener to staples. Applicant respectfully disagrees.

Serial No. 10/518,524
Art Unit 3611

Henley discloses valance brackets 19, 19' are affixed to blind trough 18 by clips 21, although other means for attaching may be utilized such as conventional fasteners, staples, screws, bolts, Velcro, adhesives, or the like. See col. 2, lines 46-53. Thus, Henley merely discloses fasteners that as suitable for connecting valance brackets and blind troughs.

However, since Henley is directed to a blind valance assembly and not to a picture frame as claimed or a canvas stretcher as in Packer, Applicant submits that Henley fails to disclose or suggest the use of the claimed first fastening elements that are releasably connected as claimed.

Further, Applicant submits that the proposed modification of Packer suggested by the Office Action would render Packer unsuitable for its intended purpose. Again, Packer discloses the need for nail-type fasteners "so as to provide the rigidity and strength required to construct a strong stretcher". Applicants submit that the use of removable fasteners such as the VELCRO in Henley would defeat this stated purpose of Packer, rendering the stretcher of Packer unsuitable.

In addition, Applicant claims 1 and 7 each recite that the claimed first fastening elements form the releasable connection "with second fastening elements provided on a picture adapted to be stretched onto the frame".

Applicant submits that the canvas of Packer lacks any such second fastening elements, rather the nail-like fasteners of Packer are driven into the strips of the frame. Clearly, the nail-like fasteners of Packer that connect to the frame itself fail to disclose or suggestion releasably connecting to second fastening elements provided on a picture adapted to be stretched onto the frame as recited by claims 1 and 7.

Accordingly, Applicant submit that Packer and Henley fail to disclose or suggest independent claim 1 or independent claim 7. Thus, claims 1 and 7, as well as claims 2-5 and 8-17 that depend therefrom, respectively, are in condition for allowance.

Serial No. 10/518,524
Art Unit 3611

Reconsideration and withdrawal of the rejection to claims 1-5, and 7-17 are respectfully requested.

Independent claim 18, as well as dependent claim 20, were rejected under 35 U.S.C. §103 over U.S. Patent No. 4,428,135 to Sobel (Sobel) in view of U.S. Patent No. 4,597,554 to James (James). Dependent claims 19 and 21 were rejected under 35 U.S.C. §103 over Sobel and James, in further view of U.S. Patent No. 4,804,161 to Wallo (Wallo).

Independent claim 18 has been amended to include elements of claims 19 and 21, which have been cancelled. Applicant submits that these amendments render the rejection over Sobel and James moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Applicant respectfully traverses the rejection over the proposed combination of Sobel, James, and Wallo.

Independent claim 18 recites, in part, spacing projections between which the mounting slots are arranged.

The Office Action fails to assert that any of the cited references disclose or suggest the claimed spacing projections. Rather, the Office Action merely asserts that Wallo teaches that it is known to provide slots that extend at right angles to one another.

Therefore, Applicant submits that claim 18, as well as claim 20 that depends therefrom, are not disclosed or suggested by the proposed combination of Sobel, James, and Wallo. As such, claims 18 and 20 are in condition for allowance. Reconsideration and withdrawal of the rejection to claims 18 and 20 are respectfully requested.

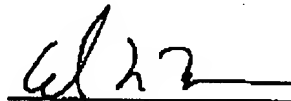
Serial No. 10/518,524
Art Unit 3611

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

July 9, 2007



Edward L. McMahon
Registration No. 44,927
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401